

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ANTOLIN ANDREW MARKS,

Plaintiff,

v.

JOHN AND JANE DOES, *et al.*,

Defendants.

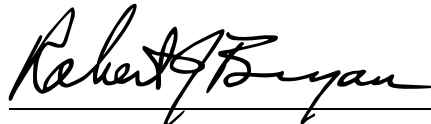
No. C09-5489 RJB/KLS

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen L. Strombom, objections to the Report and Recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's personal capacity claims against Defendants Hayes, Giles, Clark and Gephardt are **DISMISSED without prejudice** for failure to state a claim and for failure to prosecute;
- (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any Defendants who have appeared, and to the Hon. Karen L. Strombom.

DATED this 30th day of April, 2010.



ROBERT J. BRYAN
United States District Judge